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AUGUST 4, 2016

The Honorable Valerie E. Caproni
United States District Court for the Southern District of New York

Re: Velez v. O'Brien, et al., No. 15 Civ. 7441 (VEC)

Dear Judge Caproni:

I represent Plaintiff in the above-captioned Section 1983 litigation, which failed to reach successful resolution at recent mediation. I write to submit the Parties' joint status letter in advance of the Court's August 12, 2016 initial pretrial conference. I have also filed a Joint Proposed Scheduling Order with this letter.

In this case, Plaintiff alleges that Defendant Officers unjustifiably used force upon him at the scene of an accident in which Plaintiff hit various parked vehicles on East 11th Street, causing various injuries. Defendants argue that any injuries that Plaintiff suffered that day were attributable to the vehicle accident or as a result of the use of a reasonable amount of force.

Subject matter jurisdiction lies with this Court by virtue of the fact that Plaintiff's claim is that the Defendant Officers' misconduct constituted a violation of his rights under the United States Constitution.

The Parties do not contemplate any dispositive motion practice as of the date of this letter, but reserve the right to file depending on the outcome of depositions and any additional discovery disclosures.

At this writing the prospect for settlement appears dim. Plaintiff feels that the record contains facts which corroborate his allegation that Defendant Officers assaulted him after he was handcuffed. Defendants disagree. They contend that a jury would find Defendant Officers' denial that anything untoward happened that day more credible than Plaintiff's insistence that something did.

Sincerely,

A handwritten signature in blue ink that reads 'Ryan Lozar'.

Ryan Lozar